

CITY OF TIGARD, OREGON

ORDINANCE NO. 05-14

AN ORDINANCE AMENDING SECTION 7.40.180 OF THE TIGARD MUNICIPAL CODE FOR EXCEPTION TO PERMITTED NOISE

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WHEREAS, construction noise levels have been a growing concern with the citizens of Tigard; and

WHEREAS, a comparison of neighboring jurisdictions' noise regulations were reviewed; and

WHEREAS, the City currently has varying hours of permitted noise for weekends and weekdays; and

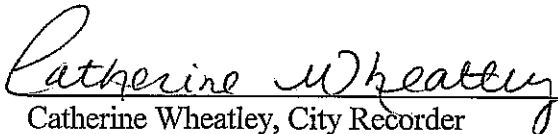
WHEREAS, consistent hours throughout the week are preferred over varied hours.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

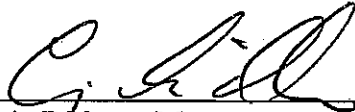
SECTION 1: Section 7.40.180 of the Tigard Municipal Code is amended as shown in Exhibit A, with deleted language shown as ~~strike through~~ text and added language shown as underlined text.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

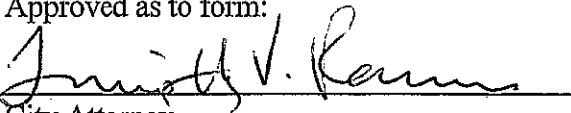
PASSED: By majority vote of all Council members present after being read by number and title only, this 8<sup>th</sup> day of November, 2005.

  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 8<sup>th</sup> day of November, 2005.

  
Craig Dirksen, Mayor

Approved as to form:

  
City Attorney

11.8.05  
Date

**Exhibit A – Deleted language shown as ~~strikethrough~~ text and added language shown as underlined text.**

**TIGARD MUNICIPAL CODE**

**7.40.180 Exceptions.**

The following shall not be considered violations of this article, even if the sound limit specified in Section 7.40.160 is exceeded:

A. Non-amplified sounds created by organized athletic or other group activities, when such activities are conducted on property generally used for such purposes, such as stadiums, parks, schools, and athletic fields, during normal hours for such events.

B. Sounds caused by emergency work, or by the ordinary and accepted use of emergency equipment, vehicles and apparatus, regardless of whether such work is performed by a public or private agency, or upon public or private property.

C. Sounds caused by bona fide use of emergency warning devices and alarm systems.

D. Sounds regulated by federal law, including, but not limited to, sounds caused by railroads or aircraft.

E. Sounds caused by demolition activities when performed under a permit issued by appropriate governmental authorities and only between the hours of seven a.m. and ~~nine~~ seven p.m. ~~Monday through Friday and eight a.m. and nine p.m. on Saturday and Sunday~~ seven days a week.

F. Sounds caused by industrial, agricultural or construction activities during the hours of seven a.m. to ~~nine~~ seven p.m. ~~Monday through Friday and eight a.m. to nine p.m. on Saturday and Sunday~~ seven days a week.

G. Sounds caused by regular vehicular traffic upon premises open to the public in compliance with state law. Regular vehicle traffic does not include a single vehicle that creates noise in excess of the standard set forth in Section 7.40.160.

H. Sounds caused by air-, electrical- or gasdriven domestic tools, including, but not limited to, lawn mowers, lawn edgers, radial arm, circular and table saws, drills, and/or other similar lawn or construction tools, but not including tools used for vehicle repair, during the hours of seven a.m. to ~~nine~~ seven p.m. ~~Monday through Friday and eight a.m. to nine p.m. on Saturday and Sunday~~ seven days a week.

I. Sounds caused by chainsaws, when used for pruning, trimming or cutting of live trees between the hours of seven a.m. and ~~nine~~ seven p.m. ~~Monday through Friday and eight a.m. and nine p.m. on Saturday and Sunday~~, and not exceeding two hours in any twenty-four hour period seven days a week.

J. Sounds created by community events, such as parades, public fireworks displays, street fairs, and festivals that the City Manager or designee has determined in writing to be community events for the purposes of this section. The City Manager's decision shall be based on the anticipated number of participants or spectators, the location of the event and other factors the City Manager determines to be appropriate under the circumstances.

K. Sounds made by legal fireworks on the third of July, Fourth of July, and the Friday and Saturday during the weekend closest to the Fourth of July of each year, between the hours of seven a.m. and eleven p.m.

L. Sounds made between midnight and 12:30 a.m. on January 1 of each year.

M. Sounds originating from construction projects for public facilities within rights of way pursuant to a noise mitigation plan approved by the City Manager. The noise mitigation plan must:

**(remainder of text unchanged)**